

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO**

CASE NAME: _____ **v.** _____

CASE NO. _____

ADVANCE TRIAL REVIEW ORDER

**JUDGE TIMOTHY CASSERLY
DEPARTMENT 31**

Having determined this case is ready for trial, the Court now issues this Advance Trial Review Order.

Trial counsel for the parties are ordered to meet and confer in person at least three (3) court days before the initial trial call date for the purpose of reaching agreements that will simplify the trial and expedite the presentation of evidence. At that meeting, the following items shall be addressed:

STIPULATIONS

1. Stipulations (other than as to expert witness qualifications) should be reduced to writing. _____

EXHIBITS

2. All exhibits the parties will seek to introduce at trial shall be sequentially numbered and pre-marked. Counsel shall prepare a Joint Exhibit List indicating: (1) the exhibit number, (2) a brief description of the exhibit, (3) the party offering the exhibit, and (4) whether the parties stipulate to admissibility. The Joint Exhibit List may be used as the index to the exhibit binders. _____
3. Multi-page exhibits must be sequentially paginated. _____

4. Except for *true* impeachment evidence, exhibits not included in the Joint Exhibit List and exchanged with opposing counsel are subject to exclusion at trial.

DEPOSITIONS

5. If depositions are to be used in place of live testimony, counsel shall submit the excerpts to be used to opposing counsel at or before the meeting. Counsel should make a good faith attempt to resolve any objections. Any remaining objections should be brought to the Court's attention before the start of trial. The party offering the deposition testimony shall be responsible to provide clean copies of the excerpts, including the beginning and ending page and line numbers, to be used by the Court and placed in the record to eliminate the need to report the reading of the testimony.
6. The original transcripts of all depositions that may be used at trial for any purpose shall be provided to the Court on the date of trial, along with a list of any changes made by the deponent after the taking of the deposition.

AUDIO OR VIDEO RECORDINGS

7. If any party intends to offer an audio or video recording as evidence at trial, they shall prepare a transcript of the recording and provide a copy to the opposing party no later than the meeting indicating the portions of the recording they will seek to introduce. The parties shall attempt to reach an agreement regarding the admissibility and use of the recording.

VOIR DIRE

8. Counsel have been provided with a list of standard voir dire questions that the Court will ask of prospective jurors. The attorneys may propose additional case-specific questions they wish the Court to ask. These additional questions should be exchanged with opposing counsel and submitted to the Court no later than the Trial Call.

9. Counsel shall jointly prepare a brief non-argumentative Joint Statement of the factual nature of the case – including a brief summary of each plaintiff's injuries, if applicable – to be read to prospective jurors. The purpose of this statement is to provide jurors with an overview of the case. As an alternative, counsel may agree and seek permission to give short 3-5 minute mini-opening statements in lieu of the Court reading a Joint Statement.
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JURY INSTRUCTIONS AND VERDICT FORMS

10. Counsel shall prepare a joint set of jury instructions in numerical order by CACI number followed by plaintiff(s)' special instructions and defendant(s)' special instructions. All blanks should be filled in and inapplicable bracket material deleted. Counsel may propose alternative instructions. The instructions should be accompanied by an index indicating which instructions are agreed to by all parties, which are proposed by plaintiff(s) and objected to by defendant(s), and which are proposed by defendant(s) and objected to by plaintiff(s).
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11. Counsel shall attempt to agree on a Special Verdict Form. The form should follow CACI as closely as possible and include all causes of action and all parties. If counsel are unable to agree, at the Trial Call each side may submit a proposed form with the items in dispute highlighted. Counsel should understand that a failure to agree on a Special Verdict Form may delay the calling of a jury panel and beginning the trial.
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FILING DEADLINES

12. Trial briefs shall be filed and served at least five court days in advance of the trial date (generally the Friday before Trial Call).

13. Motions in limine shall be filed and faxed (in accordance with the California Rules of Court) or personally served at least five court days in advance of the trial date (generally the Friday before Trial Call). Any opposition shall be separate as to each motion and shall be filed and faxed (in accordance with the California Rules of Court) or personally served no later than two (2) court days in advance of the trial date (generally the Wednesday before Trial Call).

14. All trial briefs, motions in limine, and oppositions shall be filed directly with the courtroom clerk in Department 31.

WITNESSES

15. Counsel are urged to cooperate in resolving witness scheduling issues, but they should not expect that the trial will be delayed on account of such problems. Absent extraordinary circumstances, a party will be deemed to have concluded the presentation of his/her case once the examination of available witnesses is concluded.

16. Witnesses not listed on the parties' Trial Readiness Conference Report are subject to exclusion at trial.

READINESS

17. Each counsel shall telephone the Court's clerk at 760-201-8031 by 12:00 noon on the day before the initial Trial Call date to (1) report their readiness for trial, (2) confirm the estimated trial length, and (3) indicate whether a jury is required.

We, the undersigned attorneys of record in this case, have read and understand the Court's Advance Trial Review Order.

Signature:

Counsel for:

IT IS SO ORDERED.

DATE: _____

TIMOTHY CASSERLY
Judge of the Superior Court